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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,577	03/08/2001	Joseph Damon Beaven	LE9-00-081	7775

21972 7590 03/30/2004

LEXMARK INTERNATIONAL, INC.
INTELLECTUAL PROPERTY LAW DEPARTMENT
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LEXINGTON, KY 40550-0999

EXAMINER

VU, KIEU D

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/802,577

Applicant(s)

BEAVEN ET AL.

Examiner

Kieu D Vu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 7, 12, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Suzuki (USP 6549947).

Regarding claims 7, 12, and 16, Suzuki teaches an operating system for managing data in a computer, comprising the generating a GUI for a printer for interfacing between a host processor of the computer and a user (column 1, lines 46-49); a data module containing an operating code for causing the printer to execute a predetermined action responsive to a computer command initiated at the GUI (Fig. 1, column 6, lines 38-43); and a conflict dialog module coupled to the data module and having a list of conflicts, the data module causing the conflict dialog module to generate a conflict (error) from the list of conflicts responsive to a selected predetermined action to be executed by the host processor (col 2, lines 6-8; col 5, lines 52-64).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2173

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8-11, 13-15, and 16-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki and Sieffert (USP5630101).

Regarding claims 1 and 20, Suzuki teaches an operating system for managing data in a computer, comprising the generating a GUI for a printer for interfacing between a host processor of the computer and a user (column 1, lines 46-49); a data module containing an operating code for causing the printer to execute a predetermined action responsive to a computer command initiated at the GUI (Fig. 1, column 6, lines 38-43); and a conflict dialog module coupled to the data module and having a list of conflicts, the data module causing the conflict dialog module to generate a conflict (error) from the list of conflicts responsive to a selected predetermined action to be executed by the host processor (col 2, lines 6-8; col 5, lines 52-64). Sieffert does not teach that the modification does not affect the list of conflicts. However, such feature is known in the art as taught by Sieffert. Sieffert teaches an imaging system in which each component is a discrete software object a "black box" (col 9, lines 50-61) such that each component can be modified or replaced without affecting the performance of the others (see Fig. 1; line 60 of col 2, to line 20 of col 3). It would have been obvious to one of ordinary skill in the art, having the teaching of Suzuki and Sieffert before him at the time the invention was made, to modify the printing system taught by Suzuki to include black box design taught by Sieffert so that each component of the system can be modified or redesigned with minimized impact to the overall system (Sieffert, col 3, lines 13-20)

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Regarding claims 2-4, 8-11, 13-15, 17-19, 21-24, in Sieffert, modification of one component does not affect other components (col 3, lines 13-20).

Regarding claim 5, Suzuki teaches at least one peripheral device (printer 3) is coupled to the host processor 1 (Fig. 1).

Regarding claims 6 and 25, Suzuki teaches that the one peripheral device is a printer 3 (see Fig. 1).

Regarding claim 26, Suzuki and Sieffert do not teach that the device is a copy machine. However, since both printer and copy machine are used in reproduction environment, it would have been obvious for one of ordinary skill in the art to apply Suzuki and Sieffert method in a copy machine with the motivation being to apply the use of independent modification in a copy machine.

5. Applicant's arguments filed 12/29/03 have been considered but are moot in view of the new ground(s) of rejection.

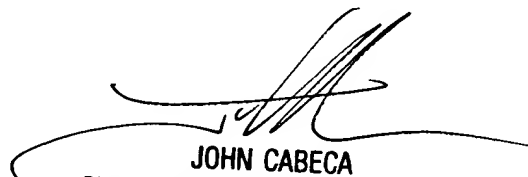
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu whose telephone number is (703-605-1232). The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703- 308-3116).

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)-872-9306

and / or:


JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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(703)-746-5639 (use this FAX #, only after approval by Examiner, for
"INFORMAL" or "DRAFT" communication. Examiners may request that a formal
paper / amendment be faxed directly to them on occasions)

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703-305-
3900).

Kieu D. Vu

03/19/04